

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Paul DiCarlo et al.
Serial No. : 10/728,248
Filed : December 4, 2003
Title : MEDICAL INSTRUMENT

Art Unit : 3736
Examiner : Rene T. Towa
Conf. No. : 7802

MAIL STOP AF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NOTICE OF APPEAL

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the action dated February 25, 2008, and further to the Advisory Action dated May 27, 2008, finally rejecting claims 1-33.

A Petition for One-Month Extension of Time is being filed concurrently herewith.

The \$510 appeal fee and the \$120 extension fee are being paid concurrently herewith on the Electronic Filing System (EFS) by way of deposit account authorization. Please apply any other charges or credits to Deposit Account No. 06-1050, referencing Attorney Docket No. 01194-842001.

Respectfully submitted,

Date: June 24, 2008



Sean M. Dean, Ph.D., J.D.
Reg. No. 46,656

Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110
Telephone: (617) 542-5070
Facsimile: (877) 769-7945